

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

DESIGNSENSE, INC.)	
)	
Plaintiff,)	Case No. 13-cv-10
)	
vs.)	
)	
MRIGLOBAL)	JURY TRIAL DEMANDED
)	
and)	
)	
ALLIANCE FOR SUSTAINABLE)	
ENERGY, LLC)	
)	
Defendants.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants MRIGlobal (“MRI”) and Alliance for Sustainable Energy, LLC (“Alliance”) hereby give notice of the removal of the case styled *DesignSense, Inc. v. MRIGlobal and Alliance for Sustainable Energy, LLC*, Case No. 1216-CV31505 (Cir. Ct. Jackson County, Missouri), to the United States District Court for the Western District of Missouri, Western Division. Defendants state the following grounds for removal:

1. On December 5, 2012, Plaintiff DesignSense, Inc. (“DesignSense”) commenced this action in the Circuit Court of Jackson County, Missouri, at Kansas City, by filing its Petition.
2. On December 13, 2012, Defendant Alliance was served with a copy of the Petition.
3. On December 21, 2012, Defendant MRI was served with a copy of the Petition.
4. The Petition consists of eight counts. Count VI clearly asserts a claim against Defendants for false designation of origin under § 43(a) of the federal Lanham Act, which is

codified at 15 U.S.C. § 1125(a). Specifically, in Count VI, DesignSense alleges that MRI and Alliance violated the Lanham Act by falsely designating the origin of certain specification and design documents pertaining to the RSF Building in Colorado.

5. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States, and specifically here, DesignSense's claim arising under the federal Lanham Act.

6. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over DesignSense's remaining claims because they form part of the same case or controversy as its federal Lanham Act claim.

7. Because of this Court's original jurisdiction over DesignSense's federal Lanham Act claim, removal of this action is proper pursuant to 28 U.S.C. § 1441(a).

8. This Court is the federal court for the district and division embracing the place where the state court action is pending (*i.e.*, Jackson County, Missouri).

9. The filing of this Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is within thirty (30) days of receipt by Defendants, through service or otherwise, of a copy of the initial pleading setting forth the claims for relief upon which this action is based.

10. Pursuant to 28 U.S.C. § 1446(b)(2)(A) all defendants who have been properly joined and served, join in and consent to this Notice of Removal.

11. Pursuant to 28 U.S.C. § 1446(a), a copy of the state court docket sheet is attached hereto as Exhibit B¹ and copies of all process, pleadings, and orders served upon Defendants in this action (including the Petition) are attached hereto as Exhibit C and incorporated by reference herein.

¹ The mandatory Civil Cover Sheet is attached hereto as Exhibit A.

12. After the filing of this Notice of Removal, Defendants will file a copy of this Notice with the Clerk of the Circuit Court of Jackson County, Missouri, at Kansas City, and will provide notice to Plaintiff, all as provided by 28 U.S.C. § 1446(d).

JURY DEMAND

Defendants demand a trial by jury on all issues so triable

WHEREFORE, the Defendants provide notice that this action is removed from the Circuit Court of Jackson County, Missouri, to this Court and respectfully request this Court to exercise jurisdiction over this action as though it had originally been instituted in this Court and to grant such other and further relief as is necessary and proper.

Respectfully submitted,

/s/ Derek T. Teeter
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Counsel for Defendants MRI and Alliance

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was mailed, postage prepaid, this 4th day of January 2013 to:

Charles J. Hyland
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Attorney for Plaintiff

/s/ Derek T. Teeter

Counsel for Defendants MRI and Alliance